

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,

Plaintiff,

v.

C.A. No. 1:19-cv-12551-FDS

GOOGLE LLC,

Defendant.

DEFENDANT GOOGLE LLC'S RULE 12(B)(6) MOTION TO DISMISS FIRST AMENDED COMPLAINT FOR LACK OF PATENTABLE SUBJECT MATTER

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Google LLC (“Google”) hereby moves to dismiss all counts in Plaintiff Singular Computing LLC (“Singular”) First Amended Complaint.

The First Amended Complaint alleges that Google infringes one or more claims of U.S. Patent Nos. 8,407,273, 9,218,156, and 10,416,961 (“the patents in suit”). As set forth more fully in the accompanying memorandum of law, the claims of the patents in suit are directed to patent-ineligible subject matter and thus invalid under 35 U.S.C. § 101. The First Amended Complaint’s counts alleging infringement of the patents in suit should therefore be dismissed because they fail to state claims upon which relief can be granted.

WHEREFORE, Google respectfully requests that the Court GRANT this Motion and DISMISS WITH PREJUDICE Singular’s First Amended Complaint.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Google respectfully requests that the Court hold oral argument on this motion, as Google believes that oral argument will assist the Court.

Date: April 17, 2020

Respectfully submitted,

/s/ Gregory F. Corbett

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LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Gregory F. Corbett, counsel for Defendant Google LLC, hereby certify that we have conferred with counsel for Singular Computing LLC to resolve or narrow the issues presented in this motion but, after good faith attempt, the parties reached no agreement.

Date: April 17, 2020

/s/ Gregory F. Corbett

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CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

Date: April 17, 2020

/s/ Gregory F. Corbett

Gregory F. Corbett